

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-00454-GKF-jfj
)	
1) CASTLE HILL STUDIOS LLC)	
(d/b/a CASTLE HILL GAMING);)	
2) CASTLE HILL HOLDING LLC)	
(d/b/a CASTLE HILL GAMING); and)	
3) IRONWORKS DEVELOPMENT, LLC)	
(d/b/a CASTLE HILL GAMING))	
)	
Defendants.)	

**DECLARATION OF GARY RUBMAN IN SUPPORT OF PLAINTIFF'S
RESPONSE AND BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION TO EXCLUDE YORAM WIND**

1. I am an attorney with the law firm of Covington & Burling LLP, counsel for Plaintiff Video Gaming Technologies, Inc. ("VGT").

2. Attached as **Exhibit A** is a true and correct copy of the Corrected Report of Dr. Yoram Wind Regarding Likelihood of Confusion Between VGT and CHG Electronic Gaming Machines, dated September 24, 2018. The original version of this Report was dated August 10, 2018.

3. Attached as **Exhibit B** is a true and correct copy of the Reply Expert Report of Dr. Yoram Wind, dated September 14, 2018.

4. Attached as **Exhibit C** is a true and correct copy of excerpts from the deposition testimony of Dr. Yoram Wind, dated September 20, 2018.

5. Attached as **Exhibit D** is a true and correct copy of excerpts from the deposition testimony of James T. Berger, dated September 26, 2018.

6. Attached as **Exhibit E** is a true and correct copy of a Memorandum by Dr. Yoram Wind entitled, “August 10, 2018 Report on Likelihood of Confusion Between VGT and CHG Electronic Gaming Machines,” dated September 25, 2018 and provided to CHG contemporaneously with his Corrected Report (Exhibit A).

7. Attached as **Exhibit F** is a true and correct copy of the Opening Expert Report of Stacy Friedman, dated August 10, 2018.

8. Attached as **Exhibit G** is a true and correct copy of a Castle Hill Gaming EGM Performance Report, which was produced by CHG during discovery, and is marked with Bates numbers CHG0023339-352.

9. Attached as **Exhibit H** is a true and correct copy of excerpts from the deposition testimony of Richard Sisson, dated April 17, 2018.

10. Attached as **Exhibit I** is a true and correct copy of an excerpt from the website of James T. Berger.

11. Attached as **Exhibit J** is a true and correct copy of a 2016 VGT Gaming Patron Profile, which was produced by VGT during discovery and is marked with Bates number VGT0006959-70.

12. Attached as **Exhibit K** is a true and correct copy of excerpts from CHG’s Third Supplemental Objections and Responses to Plaintiff’s First Interrogatories to Defendants.

13. I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 16, 2018 in Washington, District of Columbia.

/s/ Gary M. Rubman
Gary M. Rubman

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I filed a redacted version of the foregoing Declaration of Gary M. Rubman via ECF, which caused service to be effected on the following counsel for Defendants:

Robert C. Gill
Thomas S. Schaufelberger
Matthew J. Antonelli
Henry A. Platt
SAUL EWING ARNSTEIN & LEHR, LLP
1919 Pennsylvania Avenue, NW, Suite 550
Washington, D.C. 20006
(202) 295-6605
(202) 295-6705 (facsimile)
robert.gill@saul.com
tschauf@saul.com
matt.antonelli@saul.com
henry.platt@saul.com

Sherry H. Flax
SAUL EWING ARNSTEIN & LEHR, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 332-8764
(410) 332-8785 (facsimile)
sherry.flax@saul.com

James C. Hodges, OBA 4254
JAMES C. HODGES, PC
2622 East 21st Street, Suite 4
Tulsa, OK 74114
Telephone: (918) 779-7078
JHodges@HodgesLC.Com

Duane H. Zobrist
Jonathan S. Jacobs
ZOBRIST LAW GROUP PLLC
1900 Arlington Blvd. Suite B
Charlottesville, VA 22903
Telephone: (434) 658-6400
dzobrist@zoblaw.com
jjacobs@zoblaw.com

Attorneys for Defendants

/s/ Gary M. Rubman